

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-250

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 26, 2006

*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Spring
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Publisher

To amend, on a temporary basis, the Washington Convention Center Authority Act of 1994 to extend the terms of the appointees of the Washington Convention Center Authority Advisory Committee until December 31, 2006.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Washington Convention Center Authority Advisory Committee Continuity Second Temporary Amendment Act of 2006".

Sec. 2. Section 218(g) of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.18(g)), is amended to read as follows:

*Note,
§ 10-1202.18*

"(g) The Committee shall continue to advise the Authority until December 31, 2006, at which time it shall be dissolved."

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact of the Council Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

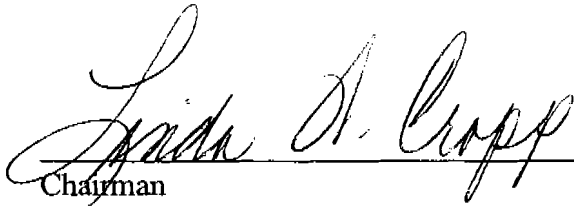
(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

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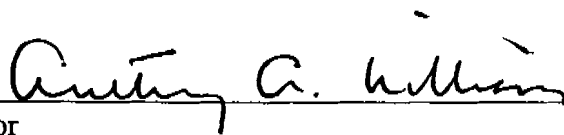
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December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 26, 2006

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-251IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 26, 2006*Codification
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To exempt from taxation, on a temporary basis, real property owned by the New Columbia Community Land Trust, located at 22nd and Channing Streets, N.E., that is used as a public green space and to provide equitable real property tax relief.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "New Columbia Community Land Trust 22nd and Channing Streets, N.E. Tax Exemption Temporary Act of 2006".

Sec. 2. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding the section designation "47-1071. New Columbia Community Land Trust; lots 803, 804, 805, 806, 807, 808 in square 4110."

(b) A new section 47-1071 is added to read as follows:

"§ 47-1071. New Columbia Community Land Trust; lots 803, 804, 805, 806, 807, and 808 in square 4110.

"(a) The real property located at lots 803, 804, 805, 806, 807, and 808 in square 4110 shall be exempt from taxation so long as the property is owned by the New Columbia Community Land Trust and the property is used as a public green space.

"(b) The Council orders that all unpaid real property taxes, interest, penalties, fees, and other related charges assessed against real property located at lots 803, 804, 805, 806, 807, and 808 in square 4110, shall be forgiven; provided, that if the property is used or sold for any purpose other than the provision of affordable housing, the sum of all such unpaid real property tax and penalties and all real property taxes accruing thereafter, plus 5% interest, shall be paid to the District of Columbia out of the proceeds from the sale."

*Note,
§ 47-1071*

Sec. 3. The Office of the Chief Financial Officer shall include the fiscal effect of this act in its December 2005 revenue estimates, subject to the priorities in section 1042 of the Fiscal Year 2006 Budget Support Act of 2005, effective October 20, 2005 (D.C. Law 16-33; 52 DCR 7503).

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Sec. 4. Applicability.

This act shall take effect subject to:

(1) The inclusion of its fiscal effect in the December 2005 revenue estimates of the Office of the Chief Financial Officer; and

(2) The payment by the New Columbia Community Land Trust of all legal and administrative costs of the purchaser at tax sale of the property located at lots 803, 804, 805, 806, 807, and 808 in Square 4110 from the tax sale of the property.

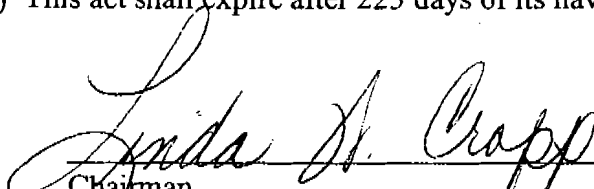
Sec. 5. Fiscal impact statement.

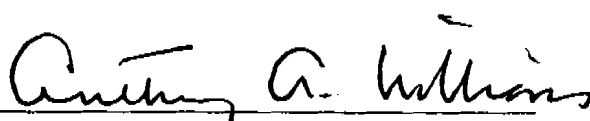
The Council adopts the fiscal impact of the Council Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
January 26, 2006

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AN ACT

D.C. ACT 16-252

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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To amend, on an temporary basis, the Rental Housing Act of 1985 to ensure that no tenant is evicted under section 501(f) unless for the *bona fide* statutory purpose of making alterations or renovations to the rental unit which cannot safely be made while the rental unit is occupied, to ensure the "absolute right" of any tenant so evicted to rerent the rental unit, and, if the alterations or renovations are necessary to bring the rental unit into substantial compliance with the housing regulations, to ensure the right of any tenant so evicted to rerent the rental unit at the same rate.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may cited as the "Tenant Evictions Temporary Amendment Act of 2006".

Sec. 2. Section 501(f) of the Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3505.01(f)), is amended as follows:

Note,
§ 42-3505.01

(a) Paragraph (1) is amended to read as follows:

"(1)(A) A housing provider may recover possession of a rental unit for the immediate purpose of making alterations or renovations to the rental unit which cannot safely or reasonably be accomplished while the rental unit is occupied, so long as:

"(i) The plans for the alterations or renovations have been previously filed with the Rent Administrator;

"(ii) The Rent Administrator has expressly determined that the proposed alterations and renovations cannot safely be made while the rental unit is occupied;

"(iii) The Rent Administrator has expressly determined whether the alterations and renovations are necessary to bring the rental unit into compliance with the housing code and that the tenant shall have the right to rerent the rental unit at the same rate; and

"(iv) The housing provider at the time the application is made to the Rent Administrator has given the tenant:

"(I) Notice of the application;

"(II) Notice of all tenant rights in the event that the application is approved, including a list of sources of technical assistance as published in the District of Columbia Register by the Mayor;

"(III) A summary of the plan for the alterations and renovations to be made; and

"(IV) Notice that the plan in its entirety is on file and available for review at the office of the Rent Administrator and at the rental office.

"(B) As part of the application under this subsection, the housing provider shall submit to the Rent Administrator for review and approval, and to the Chief

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Tenant Advocate, the following plans and documents:

“(i) A copy of the notice that the housing provider has circulated informing the tenant of the application under this subsection;

“(ii) A draft of the notice to vacate to be issued to the tenant in the event that the application is approved by the Rent Administrator;

“(iii) A plan for the alterations and renovations, including:

“(I) A timetable for the relocation of the tenant from the rental unit, the completion of all necessary construction, and the relocation of the tenant back into the rental unit; and

“(II) The dates upon which the housing provider shall submit to the Rent Administrator periodic progress reports, which shall be due at least once every 60 days until the alterations and renovations are complete and each tenant is notified that he or she may move back into his or her rental unit; and

“(iv) A relocation plan for each tenant that provides:

“(I) The amount of the relocation assistance payment for each unit;

“(II) The list of units within the housing provider's portfolio of rental accommodations made available to each dispossessed tenant;

“(III) A list of tenants with their relocation addresses and telephone numbers as available; and

“(IV) A plan to maintain such records as are necessary to track the location of any tenant displaced under this subsection and to keep the tenant apprised of the progress of the alterations and renovations.

“(C) The housing provider shall serve on the tenant a 120-day notice to vacate in advance of action to recover possession of the rental unit. The notice to vacate and all other notices and communications to the tenant from the housing provider and from the Rent Administrator shall be published in the languages described in section 4(a) of the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1933(a)). The notice to vacate shall:

“(i) Comply with and notify the tenant of each of the tenant's rights under this subsection, including the absolute right to rerent the rental unit, the right to rerent the rental unit at the same rate if the Rent Administrator has determined that the alterations or renovations are necessary to bring the rental unit into substantial compliance with the housing regulations, and the right to relocation assistance under the provisions of Title VII;

“(ii) Include a list of sources of technical assistance as published in the District of Columbia Register by the Mayor; and

“(iii) Request that the tenant apprise the housing provider, the Rent Administrator, and the Chief Tenant Advocate of any change in address and telephone number until the tenant is notified that he or she may move back into his or her rental unit.”.

(b) A new paragraph (5) is added to read as follows:

“(5) The Rent Administrator shall rescind the approval of any application under this subsection upon determining that the housing provider has not made good faith efforts to comply with this subsection. The Rent Administrator shall rescind the approval of any application under this subsection upon the housing provider's failure to obtain necessary building permits or failure to begin construction within 120 days after the rental unit or housing accommodation has been vacated, or within such lesser period of time the Rent Administrator determines is reasonable.”.

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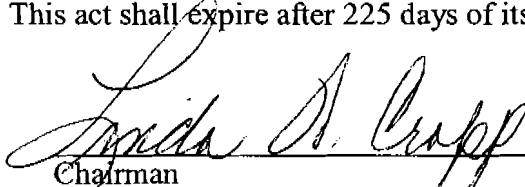
Sec. 3. Fiscal impact statement.

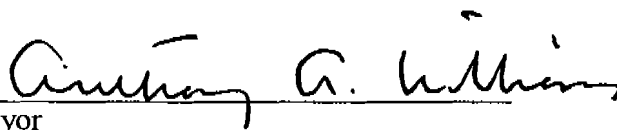
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
January 26, 2006

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-253

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 26, 2006*Codification
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2006 Spring
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To amend, on a temporary basis, Chapter 46 of Title 47 of the District of Columbia Official Code to provide for tax exemptions for the DC-USA development project.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "DC-USA Economic Development Temporary Act of 2006".

Sec. 2. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding the section designation "47-4607. DC-USA development project—tax exemptions." at the end.

(b) A new section 47-4607 is added to read as follows:

"47-4607. DC-USA development project—tax exemptions.

"(a) For the purposes of this section, the term:

Note,
§ 47-4607

"(1) "DC-USA Project" means the acquisition, development, construction, installation, and equipping of the multi-use retail and parking garage project to be located in square 2674, lots 719, 720, 812, 832, 863, 866, 869, 870, 871, and 872 and the portions of the public alley system in square 2674 that reverted to lots 719, 720, 863, 870, and 872 pursuant to the Closing of Public Alleys on Square 2674, S.O. 01-2426, Act of 2004, effective March 17, 2005 (D.C. Law 15-254; 51 DCR 11429), and the Plat of Alley Closing filed with the Surveyor of the District in Book 199, Page 88, including the successor record or assessment and taxation lots to be developed by Developer, consisting of:

"(A) Approximately 487,000 square feet of retail space, including approximately 180,000 square feet of retail space to be owned and operated as a department store by Target Corporation;

"(B) An underground parking garage for approximately 1,000 automobiles; and

"(C) Other ancillary improvements.

"(2) "Developer" means DC USA Operating Co. LLC.

"(3) "Development Sponsor" means the National Capital Revitalization

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Corporation, any subsidiary thereof, or assignee thereof.

“(4) “Parking Garage Unit” means the underground parking garage for approximately 1,000 automobiles which will be one of 3 commercial condominium units comprising the DC-USA Project.

“(b) The DC-USA Project shall be exempt from the tax imposed by §§ 42-1103 and 47-903.

“(c)(1) The sales and rental of tangible personal property to be incorporated in or consumed in the course of the development, construction, equipping, and furnishing of the DC-USA Project, whether or not the sale, material, rental, or nature of the property is incorporated as a permanent part of the DC-USA Project, shall be exempt from the tax imposed by § 47-2002.

“(2) The sales tax exemption granted by paragraph (1) of this subsection shall apply upon the conveyance of the real property to the Developer by the Development Sponsor.

“(3) The sales tax exemption granted by paragraph (1) of this subsection shall terminate upon the issuance of a Certificate of Occupancy for the DC-USA Project.

“(d)(1) The DC-USA Project shall be exempt from the tax imposed by Chapter 8.

“(2) The real property tax exemption granted by paragraph (1) of this subsection shall apply upon the conveyance of the real property to the Developer by the Development Sponsor.

“(3) The real property exemption granted by paragraph (1) of this subsection shall terminate upon the conveyance of the Parking Garage Unit from the Developer to the Development Sponsor.

“(e) The amount of taxes exempt pursuant to subsections (c) and (d) of this section shall not exceed, in the aggregate, \$1,029,000.

“(f) The amount of all taxes exempt pursuant to this section shall be in addition to any other tax relief or assistance from any other source applicable to the DC-USA Project, including exemptions and incentives provided in § 47-3802 .”.

Sec. 3. Fiscal impact statement.

The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

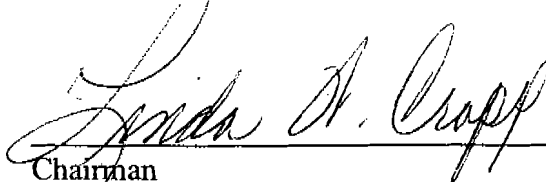
Sec. 4. Effective date.

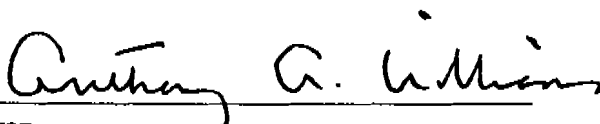
(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
January 26, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-254

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 26, 2006*Codification
District of
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To authorize, on an emergency basis, the Department of Mental Health to complete ongoing negotiations of collective bargaining agreements.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Department of Mental Health Collective Bargaining Agreements Emergency Act of 2006".

Sec. 2. Notwithstanding section 1717(b) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-617.17(b)), the Department of Mental Health may complete ongoing negotiations of collective bargaining agreements.

Note,
§ 1-617.17

Sec. 3. Fiscal impact statement.

The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

Sec. 4. Effective date.

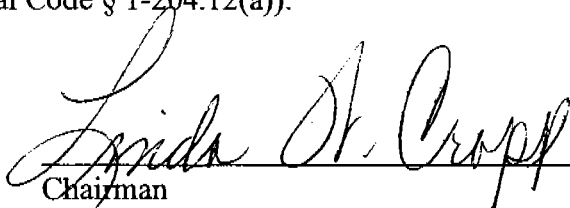
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

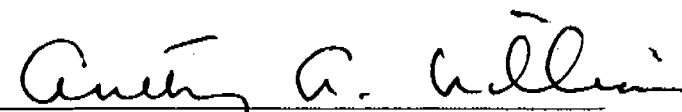
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DISTRICT OF COLUMBIA REGISTER

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412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
January 26, 2006

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-255Codification
District of
Columbia
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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 26, 2006

To amend, on an emergency basis, Chapter 28 of Title 47 of the District of Columbia Official Code to alter the composition of the Board of Real Estate and the Board of Real Estate Appraisers; to repeal the requirement that individuals and firms practicing as public accountants, but not providing services that require a license, registration, and permit as a certified public accountant or certified public accounting firm, continue to register with or obtain a permit from the Board of Accountancy, and to allow non-licensees to control up to 49% of the financial interests and voting rights of all partners, officers, shareholders, members, or managers of firms organized to offer certified public accounting services within the District of Columbia; to allow the Board of Real Estate Appraisers to comply with the licensure and regulatory requirements established by the Appraisal Subcommittee, The Appraisal Foundation, and the Appraisal Qualifications Board pursuant to federal law; to reinstate the Appraisal Education Fund; and to clarify that certain real estate licensure exemptions apply only to natural persons.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Non-Health Related Occupations and Professions Licensure Emergency Act of 2006".

Sec. 2. Chapter 28 of Title 47 of the District of Columbia Official Code is amended as follows:

- (a) The table of contents is amended by adding the phrase "47-2853.154. Appraisal Education Fund." after the phrase "47-2853.153. Certain representations prohibited."
- (b) Section 47-2853.01 is amended by adding a new paragraph (7A) to read as follows:
"(7A) "Natural person" means a human being."
- (c) Section 47-2853.06 is amended as follows:
(1) Subsection (b) is amended to read as follows:

Note,
§ 47-2853.01Note,
§ 47-2853.06

"(b) There is established a Board of Accountancy to consist of 5 members. Of the members of the Board, one shall be a consumer member and 4 shall be licensed as certified public accountants who, at the time of their appointments, have been engaged in the practice of public accountancy as certified public accountants in the District for a period of not less than 5

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years. The Board shall regulate the practice of public accountants and certified public accountants.”.

(2) Subsection (g) is amended to read as follows:

“(g) There is established a Board of Real Estate Appraisers consisting of 5 members, of whom 3 shall be real estate appraisers licensed and in good standing in the District with not less than 3 years experience in real estate appraising immediately preceding his or her appointment to the Board, one shall be a real estate broker licensed and in good standing in the District, and one shall be a consumer member. In addition to assuming the powers enumerated in § 47-2853.08, the Board may do all things necessary for effecting the regulation of the practice of real estate appraisal and shall have the authority to do all things required or expected of a state appraiser certifying and licensing agency under Title XI of the Financial Institutions Recovery, Reform, and Enforcement Act of 1989, approved August 9, 1989 (103 Stat. 183;12 U.S.C. §§ 3331 - 3351).”.

(d) Section 47-2853.42 is amended as follows:

Note,
§ 47-2853.42

(1) Paragraph 2 is amended by striking the phrase “written examinations” and inserting the word “examination” in its place;

(2) Paragraph 3 is amended by striking the phrase “a written examination” and inserting the phrase “an examination.” in its place.

(e) Section 47-2853.43 is amended as follows:

Note,
§ 47-2853.43

(1) Subsection (a) is amended as follows:

(A) Strike the phrase “and 47-2853.45”.

(B) Strike the phrase “, 47-2853.45,”.

(C) Strike the phrase “person is:” and insert the phrase “person is licensed as a certified public accountant under this chapter.” in its place.

(D) Paragraphs (1) and (2) are repealed.

(2) Subsection (b) is amended by striking the phrase “§§ 47-2853.45 and” and inserting the symbol “§” in its place.

(3) Subsection (d)(1) is amended by striking the phrase “§§ 47-2853.45 and” and inserting the symbol “§” in its place.

(f) Section 47-2853.44 is amended to read as follows:

Note,
§ 47-2853.44

“§ 47-2853.44. Registration of firms of certified public accountants.

“(a) A firm engaged in the District in the practice of certified public accounting may register with the Board as a firm of certified public accountants if it meets the following requirements:

“(1) At least one member thereof is a certified public accountant of the District in good standing;

“(2) Each member thereof must be a certified public accountant of the District or of a state in good standing;

“(3) At least one member or the resident manager in charge of an office of the firm in the District and each member thereof personally engaged within the District in the

ENROLLED ORIGINAL

practice of public accounting as a member thereof must be a certified public accountant of the District in good standing;

“(4) Notwithstanding any other provision of law, 51% of the firm of certified public accountants, in terms of financial interests and voting rights of all partners, officers, shareholders, members, or managers, belongs to individuals licensed as certified public accountants in the District or in any other state, and such partners, officers, shareholders, members, or managers, whose principal place of business is in the District, or who perform professional services in the District, hold a valid license issued under this act. Although firms may include non-licensee owners, the firm and its ownership must comply with rules promulgated by the Board;

“(5) Any firm of certified public accountants as defined in this act may include non-licensee owners; provided, that:

“(A) The firm designates a licensee of the District who is responsible for the proper registration of the firm and identifies that individual to the Board;

“(B) All non-licensee owners are active individual participants in the firm of certified public accountants or affiliated entities; and

“(C) The firm complies with such other requirements as the Board may impose by rule;

“(6) Any individual licensee who is responsible for supervising services requiring licensure as a certified public accountant and signs or authorizes someone to sign the accountant's report on the financial statements on behalf of the firm shall meet the competency requirements set out in the professional standards for such services; and

“(7) Any individual licensee who signs or authorizes someone to sign the accountants' report on the financial statements on behalf of the firm shall meet the competency requirement of paragraph (6) of this subsection.”

“(b) Subject to the exception provided in subsection (a)(4) of this section, a firm that is a corporation organized for the practice of certified public accounting shall also comply with the provisions of Chapter 4 of Title 29, governing the issuance, ownership, and transferability of shares and be in compliance with such regulations as may be issued for such corporations.

“(c) A firm which is registered pursuant to this section and which holds a permit issued by the Board may use the words "certified public accountants" or the abbreviation "CPA" in connection with its firm name. Notification shall be given to the Board within one month after the admission or withdrawal of a member or shareholder in practice in the District from any firm so registered. Firms may not offer certified public accounting services unless registered pursuant to this section.

“(d) An applicant firm for initial issuance or renewal of a permit to practice under this section shall be required to register each office of the firm within the District with the Board and to show that all attest and compilation services as defined herein rendered in the District are under the charge of a person holding a valid license in the District issued under Subchapter I-B of this chapter, or the corresponding provision of prior law or some other state.

ENROLLED ORIGINAL

“(e) An applicant firm for initial issuance or renewal of permits under this section shall, in its application, list all states (including the District) in which the firm has applied for or holds permits as a certified public accounting firm and list any past denial, revocation, or suspension of a permit by the District or any other state, and each holder of or applicant for a permit under this section shall notify the Board in writing, within 30 days after its occurrence, of any change in the identities of partners, officers, shareholders, members, or managers whose principal place of business is in the District, any change in the number or location of offices within the District, any change in the identity of the persons in charge of such offices, and any issuance, denial, revocation, or suspension of a permit by any other state.

“(f) Firms that fall out of compliance with the provisions of this section due to changes in firm ownership or personnel, after receiving or renewing a permit, shall take corrective action to bring the firm back into compliance as quickly as possible. The Board may grant a reasonable period of time for a firm to take such corrective action. Failure to bring the firm back into compliance within a reasonable period as defined by the Board will result in the suspension or revocation of the firm permit.”.

(g) Section 47-2853.45 is repealed.

Note, Repeal

§ 47-2853.45

(h) Section 47-2853.46 is amended by striking the phrase “; or by a public accountant or a firm of public accountants;”.

Note,

§ 47-2853.46

(i) Section 47-2853.47(a) is amended by striking the phrase “public accounting” and inserting the phrase “certified public accounting” in its place.

Note,

§ 47-2853.47

(j) Section 47-2853.151 is amended by striking the phrase “real estate” and inserting the phrase “real property and real estate” in its place.

Note,

§ 47-2853.151

(k) Section 47-2853.152 is amended to read as follows:

Note,

§ 47-2853.152

“§ 47-2853.152. Eligibility requirements.

“(a) The Board shall establish by regulation the education, experience, and examination requirements that individuals must meet or exceed as conditions for obtaining licensure, certification, or registration as an appraiser trainee, a licensed residential real property appraiser, a certified residential real property appraiser, or a certified general real property appraiser.

“(b) The licensure requirements established by the Board shall comply with this act and shall meet or exceed any applicable federal requirements that are necessary in order that the federal financial institution's regulatory agencies recognize and accept licenses for licensed residential real estate appraisers, certified residential real estate appraisers, and certified general real estate appraisers issued by the Board. If the federal requirements change and the Board's regulations do not meet the minimum federal standards, the Board may substitute the federal standards established by the Appraisal Qualifications Board and the Appraisal Standards Board of the Appraisal Foundation when reviewing an application for licensure, certification, or registration until the Board is able to amend its regulations.

“(c) The Board shall establish by regulation the requirements that individuals licensed in jurisdictions other than the District of Columbia as a certified residential real property

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appraiser or a certified general real property appraiser must satisfy prior to obtaining a temporary license from the Board. The Board's requirements shall comply with applicable federal law, but the Mayor may require the applicant to pay a license fee to the Department and may place restrictions on the validity of the temporary license.

"(d) The Board shall establish by regulation provisions for the supervision of appraiser trainees, provisions for defining and enforcing the standards of professional appraiser practice, and provisions for the disposition of complaints from any person or from any federal agency or instrumentality regarding improper appraiser conduct.

"(e) The Board shall establish continuing education requirements necessary for renewal or reinstatement of any license, certification, or registration that meet or exceed the continuing education requirements established under the authority of federal law.

"(f) By regulation, the Board may establish and enforce practice requirements or standards pursuant to District law and may enforce practice requirements or standards established under the authority of federal law."

(l) Section 47-2853.153 is amended as follows:

Note,
§ 47-2853.153

(1) Subsection (a) is amended by striking the phrases "or certification" and "or certificate".

(2) Subsection (b) is amended as follows:

(A) Strike the phrase "real estate" and insert the phrase "real property or real estate" in its place.

(B) Strike the phrase "use of the term" and insert the phrase "use of the term" "certified" in its place.

(C) Strike the phrase "or certification".

(3) Subsection (c) is amended by striking the phrase "real estate" and inserting the phrase "real estate or real property" in its place.

(4) Subsection (d) is amended by striking the phrases "or certificate" and "or certified" each time they appear.

(5) Subsection (e) is amended to read as follows:

"(e) Any person who is not licensed or certified under this subchapter may assist a licensed or certified real estate appraiser in the performance of an appraisal, if he or she registers with the Board as a Appraiser Trainee, complies with the registration and practice requirements established by the Board by regulation, and is actively and personally supervised by the licensed or certified real estate appraiser. Any appraisal report rendered in connection with the appraisal and drafted by the appraisal trainee shall be reviewed and signed by the licensed or certified real estate appraiser."

(6) Subsection (f) is amended as follows:

(A) Strike the phrase "or certified" wherever it appears.

(B) Strike the phrase "If a licensed or certified real estate appraiser" and insert the phrase "If a licensee or appraiser trainee" in its place.

(7) Subsection (h) is amended by striking the phrase "real estate" and inserting

ENROLLED ORIGINAL

the phrase "real estate or real property" in its place

(m) A new section 47-2853.154 is added to read as follows:

"§ 47-2853.154. Appraisal Education Fund.

Note,
§ 47-2853.154

"(a) There is established a fund designated as the Appraisal Education Fund ("Fund"), which shall be separate from the General Fund of the District of Columbia and shall be used by the Board for the purpose of raising the standards of practice and the competency of licensees and certificate holders by:

"(1) Promoting the advancement of education and research for the benefit of any person issued a license or certificate under this chapter;

"(2) Underwriting educational seminars, workshops, and any other similar form of educational project for the benefit of any person issued a license or certificate under this chapter;

"(3) Contracting for particular education or other projects intended to further the purposes of this chapter; and

"(4) Defraying the expenses to discharge the administrative and regulatory duties as prescribed by this part; provided, that the special account shall not be used to discharge the administrative and regulatory duties of any other District government agency, board, or commission, and shall be used solely to carry out the functions of this part.

"(b) No revenues deposited into this continuing, nonlapsing special account may be obligated or spent in any year without a Congressional appropriation. Revenues in this continuing, nonlapsing special account that are carried over into a succeeding fiscal year may not be obligated or spent in the succeeding year without a new Congressional appropriation that permits such obligation or expenditure.

"(c) Any person issued or renewing a license under this chapter shall pay, in addition to licensing and renewal fees established by the Mayor, a sum to be established by the Mayor for deposit into the Fund.

"(d) Any civil penalties imposed by the Board or the Office of Administrative Hearings pursuant to this chapter shall be deposited in the Fund.

"(e) The Board may, by regulation, establish minimum and maximum balances for the Fund, procedures for continuing and discontinuing assessing licensees, and other provisions relevant to the operation of the Fund.

"(f) If a licensee fails to pay the amount assessed by the Mayor within the time prescribed by rule, his or her license shall be automatically suspended. The Board shall send a notice of the suspension, by certified mail, to the address of record within 5 days after the suspension. The license shall be restored only upon the actual receipt by the Mayor of the delinquent assessment.

"(g) The special account shall be continuing. Revenues deposited into the special account shall not revert to the General Fund of the District of Columbia at the end of any fiscal year or at any other time, but shall be continually available for the uses and purposes set forth in this subchapter, subject to authorization by Congress in an appropriations act."

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(n) Section 47-2853.181(2) is amended by inserting the word "natural" before the word "person" wherever it appears.

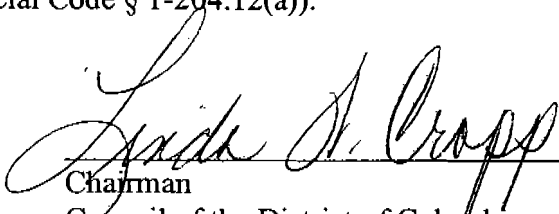
Note,
§ 47-2853.181

Sec. 3. Fiscal impact statement

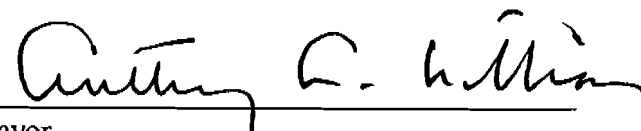
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 26, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-256

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 26, 2006*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Spring
Supp.West Group
Publisher

To amend, on an emergency basis, the District of Columbia Traffic Act, 1925 to require that drug offense conviction information include a social security number and a driver's license number.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this Act may be cited as the "Drug Offense Driving Privileges Revocation and Disqualification Emergency Amendment Act of 2006".

Sec. 2. Section 13a(a) of the District of Columbia Traffic Act, 1925, effective March 16, 1989 (D.C. Law 7-222; D.C. Official Code § 50-1403.02(a)), is amended by striking the sentence "A copy of the conviction or adjudication shall be forwarded by the court to the Mayor." and inserting the sentence "Notification of the conviction or adjudication shall be sent electronically by the court to the Mayor within one business day of the conviction or adjudication and shall include the person's name, address, date of birth, conviction date, driver's license number (if any), social security number (if any), the offense, and any other information required by the Mayor in order to take the action required by this section." in its place.

*Note,
§ 50-1403.02*

Sec. 3. Fiscal impact statement.

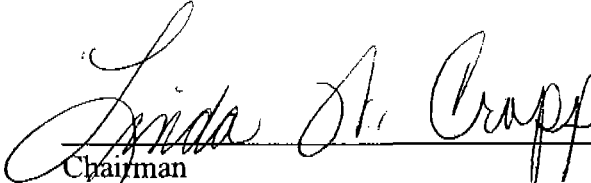
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).


Sec. 4. Effective date.

This Act shall take effect following approval by the Mayor (or in the event of a veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
January 26, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-257

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 26, 2006*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Spring
Supp.West Group
Publisher

To amend, on an emergency basis, the District of Columbia Theft and White Collar Crimes Act of 1982 to authorize a criminal penalty for the offense of attempt to commit identity theft.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Identity Theft Technical Emergency Amendment Act of 2006".

Sec. 2. Section 127c of the District of Columbia Theft and White Collar Crimes Act of 1982, effective March 27, 2004 (D.C. Law 15-106; D.C. Official Code § 22-3227.03), is amended as follows:

*Note,
§ 22-3227.03*

(a) Subsection (a) is amended by adding the phrase ", or attempted to be obtained," after the phrase "if the property obtained".

(b) Subsection (b) is amended by adding the phrase ", or attempted to be obtained," after the phrase "of the property obtained".

Sec. 3. Fiscal impact statement.

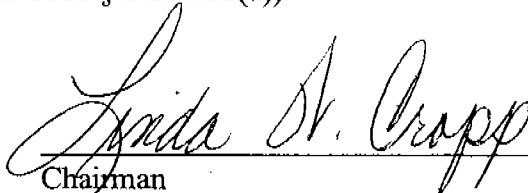
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

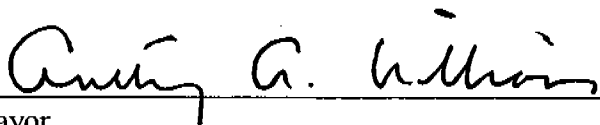
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 26, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-258

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 26, 2006*Codification
District of
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To amend, on an emergency basis, due to Congressional review, section 47-2501 of the District of Columbia Official Code to tax natural gas based on the number of therms delivered to consumers.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Natural Gas Taxation Relief Congressional Review Emergency Act of 2006".

Sec. 2. Section 47-2501 of the District of Columbia Official Code is amended as follows:

Note,
§ 47-2501

(a) Subsection (a) is amended as follows:

(1) The lead-in text is amended as follows:

(A) Strike the phrase "each calendar month, each gas and" and insert the phrase "each calendar month, each" in its place.

(B) Strike the phrase "nonpublic utility who sells natural or" and insert the phrase "nonpublic utility who sells" in its place.

(2) Paragraph (1) is amended by striking the phrase "natural or".

(3) A new paragraph (5) is added to read as follows:

"(5) After December 1, 2005, pay to the Mayor:

"(A) 11% of these gross receipts from the sales included in bills rendered after December 1, 2005, for nonresidential customers and 10% of these gross receipts from sales included in bills rendered after December 1, 2005, for residential customers for a telephone company;

"(B) 11% of these gross receipts from deliveries made after December 1, 2005, for nonresidential customers and 10% of these gross receipts from deliveries made after December 1, 2005, for residential customers for a person who delivers heating oil to an end-user in the District; or

"(C) 11% of those gross receipts from the sales of artificial gas delivered by any method after December 1, 2005, for nonresidential customers and 10% of those gross receipts from sales of artificial gas delivered by any method after December 1, 2005, for

ENROLLED ORIGINAL

residential customers by a nonpublic utility to an end-user in the District.”

(b) Subsection (a-2) is amended by striking the phrase “pursuant to subsection (a)(3) and (4) of this subsection” and inserting the phrase “pursuant to subsection (a)(3) and (4) of this subsection and after December 1, 2005, one-eleventh of the total tax collected from nonresidential customers pursuant to subsection (a)(5) of this section” in its place.

(c) New subsections (a-3) and (a-4) are added to read as follows:

“(a-3)(1) For sales included in bills rendered after December 1, 2005, before the 21st day of each month beginning January 2006, each gas company that provides distribution services to District customers shall:

“(A) File an affidavit with the Mayor indicating the number of therms of natural gas delivered for final consumption in the District for the preceding billing period; and

“(B)(i) Pay to the Mayor a tax of \$0.0703, as of December 2, 2005, for each therm of natural gas delivered to end-users in the District for the preceding billing period; and

“(ii)(I) Pay to the Mayor a tax of \$0.00983, as of December 2, 2005, for each therm of natural gas delivered to nonresidential end-users in the District for the preceding billing period.

“(II) Revenues received by the District pursuant to this sub-subparagraph shall be deposited in the Ballpark Revenue Fund established by § 10-1601.02. Payments under this sub-subparagraph shall be in addition to any other payments under this section.

“(2) Each gas company that provides distribution services to District customers shall be allowed to recover the tax imposed under paragraph (1) of this section in its rates as a surcharge on customers’ bills.

“(3) The tax imposed under paragraph (1) of this subsection shall be reflected as a separate line item on each bill for distribution services sent by each gas company that provides distribution services to District.

“(4) The amount of the tax imposed under paragraph (1) of this subsection shall be in effect during Fiscal Year 2006.

“(a-4) Any gross receipts from sales made on or after November 1, 2005, that are not included in bills rendered after December 1, 2005, and taxed under subsection (a-3) of this section shall be taxed at the appropriate rates provided in subsection (a)(4) of this section and reported in the affidavit due on December 21, 2005.”

Sec. 3. Applicability.

This act shall apply as of January 26, 2006.

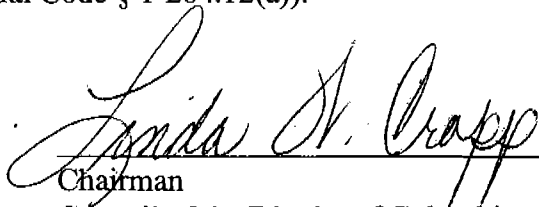
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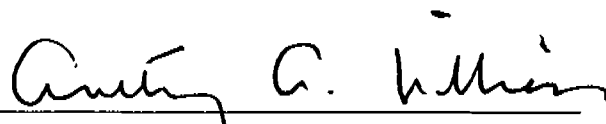
Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
January 26, 2006

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-259

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 26, 2006Codification
District of
Columbia
Official Code

2001 Edition

2006 Spring
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Publisher

To amend, on an emergency basis, due to Congressional review, the Criminal Background Checks for the Protection of Children Act of 2004 to clarify that persons convicted of certain crimes are not automatically excluded from working as employees or unsupervised volunteers of certain providers that provide direct services to children or youth and to provide applicants a right to appeal a denial of employment or volunteer status based on a finding that they pose a present danger to children or youth.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Criminal Background Checks for the Protection of Children Clarification Congressional Review Emergency Amendment Act of 2006".

Sec. 2. The Criminal Background Checks for the Protection of Children Act of 2004, effective April 13, 2005 (D.C. Law 15-353; D.C. Official Code § 4-1501.01 *et seq.*), is amended as follows:

(a) Section 205(c)(5) (D.C. Official Code § 4-1501.05(c)(5)) is amended to read as follows:

Note,
§ 4-1501.05

"(5) A signed affirmation stating whether or not the applicant, employee, or volunteer has been convicted of a crime, has pleaded nolo contendere, is on probation before judgment or placement of a case upon a stet docket, or has been found not guilty by reason of insanity, for any sexual offenses or intra-family offenses in the District of Columbia or their equivalent in any other state or territory, or for any of the following felony offenses or their equivalent in another state or territory:

"(A) Murder, attempted murder, manslaughter, or arson;

"(B) Assault, battery, assault and battery, assault with a dangerous weapon, mayhem, or threats to do bodily harm;

"(C) Burglary;

"(D) Robbery;

"(E) Kidnapping;

ENROLLED ORIGINAL

“(F) Illegal use or possession of a firearm;

“(G) Sexual offenses, including indecent exposure; promoting, procuring, compelling, soliciting, or engaging in prostitution; corrupting minors (sexual relations with children); molesting; voyeurism; committing sex acts in public; incest; rape; sexual assault; sexual battery; or sexual abuse; but excluding sodomy between consenting adults;

“(H) Child abuse or cruelty to children; or

“(I) Unlawful distribution or possession of, or possession with intent to distribute, a controlled substance;”.

(b) A new section 207a is added to read as follows:

“Sec. 207a. Assessment of information obtained from criminal background check.

“(a) The information obtained from the criminal background check shall not create a disqualification or presumption against employment or volunteer status of the applicant unless the Mayor determines that the applicant poses a present danger to children or youth. In making this determination, the Mayor shall consider the following factors:

“(1) The specific duties and responsibilities necessarily related to the employment sought;

“(2) The bearing, if any, the criminal offense for which the person was previously convicted will have on his or her fitness or ability to perform one or more such duties or responsibilities;

“(3) The time which has elapsed since the occurrence of the criminal offense;

“(4) The age of the person at the time of the occurrence of the criminal offense;

“(5) The frequency and seriousness of the criminal offense;

“(6) Any information produced by the person, or produced on his or her behalf, in regard to his or her rehabilitation and good conduct since the occurrence of the criminal offense; and

“(7) The public policy that it is beneficial generally for ex-offenders to obtain employment.

“(b) The Mayor and covered child or youth services providers shall not employ or permit to serve as an unsupervised volunteer an applicant who has been convicted of, has pleaded nolo contendere, is on probation before judgment or placement of a case upon a stet docket, or has been found not guilty by reason of insanity for any sexual offenses involving a minor.

“(c) If an application is denied because the applicant presents a present danger to children or youth, the Mayor shall inform the applicant in writing and the applicant may appeal the denial to the Commission on Human Rights within 30 days of the date of the written statement.”.

Sec. 3. Applicability.

This act shall apply as of January 2, 2006.

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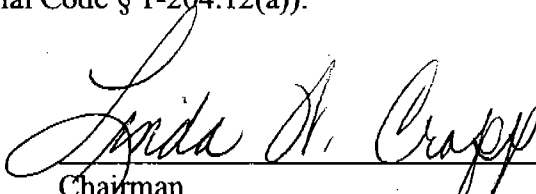
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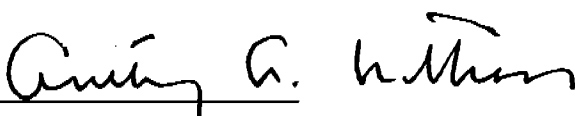
Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
January 26, 2006

ENROLLED ORIGINAL

AN ACT

D.C. ACT 16-260

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 26, 2006*Codification
District of
Columbia
Official Code*

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To amend, on an emergency basis, Title 47 of the District of Columbia Official Code to repeal a provision which would inadvertently repeal a tax increase imposed by the Ballpark Omnibus Financing and Revenue Act of 2004, to add provisions of an amendment that were not reflected in the enrollment of the Tax Abatement Adjustment for Housing Priority Area Act of 2004, to add a missing word to section 857.04(b)(3)(A), to correct a cross-reference; to correct the name of an entity that was given a tax exemption, to correct the lot number of another entity which were given real property tax exemptions, to re-codify the limitation on deduction for royalty payments by corporations, to correct the designation of the utility taxes to be deposited in the Ballpark Revenue Fund, to correct the basic tax rate for electricity users; to amend the Fiscal Year 2006 Budget Support Act to correct and re-codify a provision regarding real property exemptions for nonprofit organizations and to correct paragraph numbering; to amend the Arena Tax Amendment Act of 1994 to clarify and provide the real property tax exemption of the MCI Arena in accordance with a certain executed and recorded ground lease; to amend a resolution to include a cross reference that was inadvertently omitted; to amend the Uniform Disposition of Unclaimed Property Act of 1980 to add a missing word; and to clarify the effective date of an amendatory provision for the taxation of heating oil.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Finance and Revenue Technical Amendments Emergency Amendment Act of 2006".

Sec. 2. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-368.03(d)(2) is repealed.

(b) Section 47-857.04 is amended as follows:

(1) Subsection (a) is amended by striking the phrase "December 31, 2004" and inserting the phrase "September 30, 2004" in its place.

(2) Subsection (b) is amended to read as follows:

"(b)(1) For the purposes of this subsection, the term "downtown area" means:

Note,
§ 47-386.03
Note,
§ 47-857.04

ENROLLED ORIGINAL

"(A) The area described in section 199 of Title 10 of the District of Columbia Municipal Regulations (10 DCMR § 199) and designated on the District of Columbia Generalized Land Use Policies Map; and

"(B) Eligible area #2.

"(2) If a project eligible for the real property tax abatement under this section breaks ground on or after January 1, 2005 (as certified by the project architect and the Mayor), the tax abatement may be applied, assigned, conveyed, or otherwise transferred ("transferred") by the owner of the real property or project (or by the owner's designee) and the time period at which the tax abatement commences may be delayed until the transfer and shall continue for 10 years after the date of transfer; provided, that:

"(A) The tax abatement shall be \$0.89 per rentable, or usable, residential FAR square foot of the eligible real property; provided, that if the project known as Quincy Court, located at 1117 10th Street, N.W., requests participation under § 47-857.04(b) by a letter to the Deputy Mayor for Planning and Economic Development, or his or her successor, prior to December 31, 2005, the tax abatement shall be \$0.905 per rentable, or usable, residential FAR square foot of the eligible real property;

"(B) The tax abatement may be transferred by the owner:

"(i) To reduce real property taxes imposed upon any residential project in the downtown area or eligible area #2; or

"(ii) To reduce real property taxes imposed upon any commercial project in the downtown area or eligible area #2; and

"(C) The tax abatement may be transferred within:

"(i) Five years after receipt by the eligible project of a final certificate of occupancy issued for the entirety of the project; or

"(ii) Within one year after the final certificate of occupancy is issued for the project to which the abatement is transferred."

(3) A new subsection (c) is added to read as follows:

"(c) The Mayor shall be deemed to have certified the groundbreaking if the Deputy Mayor for Planning and Economic Development, or his or her successor, issues a letter certifying the groundbreaking or 20 business days pass after the date of the receipt of a request for the certification by the Deputy Mayor for Planning and Economic Development, or his or her successor, from the project developer; provided, that the request includes a certification by the project architect of the groundbreaking date of the residential project and the Deputy Mayor for Planning and Economic Development, or his or her successor, does not reject the request or request further information."

(c) Section 47-857.06(d)(2) is amended as follows:

Note,
§ 47-857.06

(1) The undesignated text is amended by striking the phrase "there shall be allowed an abatement of \$710,000 per year of the real property tax imposed by § 47-811 on the Wax Museum project (to be allocated between the K Street Building and L Street Building as

ENROLLED ORIGINAL

set forth in paragraph (3) of this subsection)" and inserting the phrase "there shall be allowed an abatement of \$664,000 per year of the real property tax imposed by § 47-811 on the Wax Museum project (to be allocated between the K Street Building and L Street Building as set forth in paragraph (4) of this subsection)" in its place.

(2) Subparagraph (A)(iii) is amended by striking the word "and".

(3) Subparagraph (B)(iii) is amended by striking the period at the end and inserting the phrase "; and" in its place.

(4) A new subparagraph (C) is added to read as follows:

"(C) If the residential project known as Quincy Court, located at 1117 10th Street, N.W., requests participation under § 47-857.04(b) by a letter to the Deputy Mayor for Planning and Economic Development, or his or her successor, prior to December 31, 2005, the annual amount of the abatement of real property tax imposed by § 47-811 on the Wax Museum project (to be allocated between the K Street Building and L Street Building as set forth in paragraph (4) of this subsection) shall be \$675,000."

(d) The table of contents for Chapter 10 of Title 47 of the District of Columbia Official Code is amended by striking the phrase "lots 34" and inserting the phrase "lots 33" in its place.

(e) Section 47-1065 is amended as follows:

Note,
§ 47-1065

(1) Subsection(a)(1) is amended by striking the phrase "Golden Rule Place" and inserting the name "Golden Rule Plaza" in its place.

(2) By striking the phrase "lots 34" wherever it appears and inserting the phrase "lots 33" in its place.

(f) Section 47-1803.03 of the District of Columbia Official Code is amended as follows:

Note,
§ 47-1803.03

(1) Subsection (a) is amended by adding a new paragraph (19) to read as follows:

"(19) *Royalty payments.* ---

"(A) Royalty payments, if the royalty payments are directly or indirectly paid, accrued, or incurred to a related member during the taxable year and deductible in calculating federal taxable income.

"(B) The disallowance of the deduction under subparagraph (A) of this paragraph shall not apply if and to the extent that the payments satisfy any of the following conditions:

"(i) The related member during the same taxable year directly or indirectly paid, received, accrued, or incurred the amount of the obligation to or from a person or entity that is not a related member, and the transaction was done for a valid business purpose and the payments are made at arm's length;

"(ii) The related member receiving the royalty payments acquired the intangible assets for which royalty payments are being made from a person or entity that was not a related member, the transaction was done for a valid business purpose, and the royalty payments are made at arm's length;

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“(iii) The royalty payments are paid or incurred to a related member organized under the laws of a country other than the United States, and the country has entered into a comprehensive income tax treaty with the United States; or

“(iv) The related member receiving the royalty payments is subject to a tax measured by its net income or receipts in a state or possession of the United States imposing a statutory tax rate of at least 4.5%; provided, that a related member receiving the royalty payment shall not be considered to be subject to a tax merely by virtue of the related member's inclusion in a combined or consolidated return in one or more states.

“(C) For the purposes of this paragraph, the term:

“(i) "Majority interest" means:

“(I) In the case of a corporation, more than 50% of the total combined voting power of all classes of stock of the corporation, or more than 50% of the capital, profits, or beneficial interest in the voting stock of the corporation; or

“(II) In the case of a partnership, association, trust or other entity, more than 50% of the capital, profits, or beneficial interest in the partnership, association, trust or other entity.

“(ii) "Related entity" means (I) a stockholder who is an individual, or a member of the stockholder's family enumerated in section 318 of the Internal Revenue Code of 1986, if the stockholder and the members of the stockholder's family own, directly, indirectly, beneficially or constructively, in the aggregate, at least 50% of the value of the taxpayer's outstanding stock; (II) a stockholder, or a stockholder's partnership, limited liability company, estate, trust, or corporation, if the stockholder and the stockholder's partnerships, limited liability companies, estates, trusts, and corporations own directly, indirectly, beneficially or constructively, in the aggregate, at least 50% of the value of the taxpayer's outstanding stock; or (III) a corporation, or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under the attribution rules of section 318 of the Internal Revenue Code of 1986, if the taxpayer owns, directly, indirectly, beneficially or constructively, at least 50% of the value of the corporation's outstanding stock. The attribution rules of section 318 of the Internal Revenue Code of 1986 shall apply for purposes of determining whether the ownership requirements of this paragraph have been met.

“(iii) "Related member" means:

“(I) A person that, with respect to the taxpayer any time during the taxable year, is a related entity;

“(II) A component member, as defined in section 1563(b) of the Internal Revenue Code of 1986;

“(III) A controlled group of which the taxpayer is also a component; or

“(IV) Is a person to or from whom there is attribution of

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stock ownership in accordance with section 1563(e) of the Internal Revenue Code of 1986.

"(iv) "Royalty payments" mean payments directly connected to the use, maintenance, or management of licenses, trademarks, copyrights, trade names, trade dress, service marks, mask works, trade secrets, patents, and any other similar types of intangible assets as are set forth in regulations promulgated by the Chief Financial Officer, including amounts allowable as interest deductions under § 47-1803.02(a)(2), to the extent that such amounts are directly or indirectly for, related to, or in connection with the use, maintenance, or management of such intangible assets.

"(v) "State" shall include the District of Columbia.

"(vi) "Valid business purpose" means one or more business purposes, other than the avoidance or reduction of taxation, which, alone or in combination, constitute the primary motivation for some business activity or transaction, which activity or transaction changes in a meaningful way, apart from tax effects, the economic position of the taxpayer."

(2) Subsection (b)(7) is repealed.

(g) Section 47-2501 is amended as follows:

Note,
§ 47-2501

(1) Subsection (a-1) is repealed.

(2) Subsection (a-2) is amended by striking the phrase "One-eleventh of the total tax collected" and inserting the phrase "One-eleventh of the total tax collected from nonresidential customers" in its place.

(3) Subsection (d-1)(1)(B) is amended as follows:

(A) Sub-subparagraph (i) is amended by striking the phrase "a tax of \$0.0077" and inserting the phrase "a tax of \$0.007" in its place.

(B) Sub-subparagraph (ii)(I) is amended to read as follows:

"(ii)(I) Pay to the Mayor a tax of \$0.0007 for each kilowatt-hour of electricity delivered to nonresidential end-users in the District of Columbia for the preceding calendar month."

(4) Subsection (e) is amended by striking the word "necessary" and inserting the phrase "necessary or appropriate" in its place.

(h) Section 47-3902(d) is amended by striking the phrase "One-eleventh of the total tax collected" and inserting the phrase "One-eleventh of the total tax collected from nonresidential customers" in its place.

Note,
§ 47-3902

Sec. 3. Section 3 of the Tax Abatement Adjustment for Housing Priority Area Act of 2004, effective April 12, 2005 (D.C. Law 15-329; 52 DCR 5831), is repealed.

Sec. 4. Section 1182 of the Fiscal Year 2006 Budget Support Act of 2005, effective October 20, 2005 (D.C. Law 16-33; 52 DCR 7503), is amended to read as follows:

Note,
§ 47-3505

"Sec. 1182. Section 47-3505 of the District of Columbia Official Code is amended by

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adding a new subsection (f) to read as follows:

“(f)(1) Subject to the requirements of paragraphs (2) and (3) of this subsection, any nonprofit organization that has been denied exemption from District of Columbia real property taxes pursuant to § 47-1002 and has acquired property to develop more than 10 units of housing for affordable or lower income homeownership households in the District of Columbia and subdivides the acquired property into more than 10 units shall have 2 years from the date of the subdivision of the property to hold the property as exempt from the recordation, transfer, and real property taxes associated with the acquisition and development of the property for low-income or affordable housing.

“(2) Recordation, transfer, and real property tax assessments associated with the acquisition of a property under paragraph (1) of this subsection shall not be assessed against a nonprofit organization that acquires property and subdivides it for resale into more than 10 units to low-income home owners when the first low-income home owner purchases a home within 2 years of the subdivision of the real property into lots on the records and cadastral maps of the Office of Tax and Revenue.

“(3) Real property owned or acquired by a nonprofit organization shall be exempt from recordation, transfer and real property taxes if the nonprofit organization subdivides the property into more than 10 units of low-income housing and completes the sale of all units of low-income housing on the property within 4 years from the date of acquisition.”.

Sec. 5. Section 3 of the Arena Tax Amendment Act of 1994, effective September 28, 1994 (D.C. Law 10-189; 41 DCR 5857), is amended to read as follows:

Note,
§ 47-1005

“(a) Notwithstanding any other law, that portion of the real property, described as lot 0047 in square 0455, in preparation for occupation and use, under construction for occupation or use, or occupied and used as a multi-purpose arena and related amenities shall be exempt from real property taxation, possessory interest taxation and business improvement district taxation.

“(b) The exemption provided by this section shall apply so long as the Land Disposition Agreement - Ground Lease, by and between The District of Columbia Redevelopment Land Agency, The District of Columbia, and DC Arena, LP, dated as of December 29, 1995 and recorded with the Recorder of Deeds on January 5, 1996 as instrument number 9600001285, remains in effect.”.

Sec. 6. Section 2 of the Unsolicited Proposal Submitted by Washington Properties, Inc./Square 673 Partners for the Negotiated Disposition of 59 M Street, N.E., Resolution of 1994, effective December 6, 1994 (Res. 10-475; 41 DCR 8157), is amended by striking the phrase “pursuant to the District Owned Surplus Real Property Amendment Act of 1989, effective March 14, 1990 (D.C. Law 8-96; D.C. Code § 9-401)” and inserting the phrase “pursuant to section 1(b)(3) and (6) of An Act authorizing the sale of certain real estate in the

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District of Columbia no longer needed for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 9-401(b)(3) and (6)) in its place.

Sec. 7. Section 117(d) of the Uniform Disposition of Unclaimed Property Act of 1980, effective March 5, 1981 (D.C. Law 3-160; D.C. Official Code § 41-117(d)), is amended by striking the phrase "filed later than October 1" and inserting the phrase "filed no later than October 1" in its place.

Note,
§ 41-117

Sec. 8. The Finance and Revenue Technical Corrections Temporary Amendment Act of 2005, effective June 17, 2005 (D.C. Law 16-7; 52 DCR 4148), is amended by adding a new section 4a to read as follows:

Note,
§ 47-2501

"Sec. 4a. Applicability.

"Section 2(d) shall apply for the period beginning May 1, 2003 and ending December 31, 2004."

Sec. 9. Applicability.

(a) Section 2(a) and (g)(1) through (3) shall apply as of January 1, 2005.

(b) Section 2(d) and (e) shall apply as of April 1, 2004.

(c) Section 2(h) shall apply as of April 8, 2005.

(d) Section 5 shall apply as of September 28, 1994.

(e) Section 6 shall apply as of December 6, 1994.

(f) Section 7 shall apply as of October 1, 2004.

Sec. 10. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

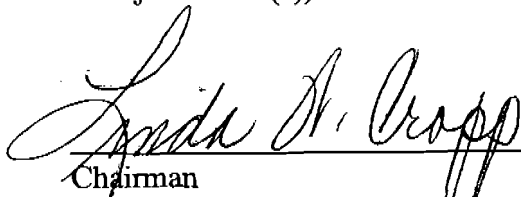
Sec. 11. Effective date.

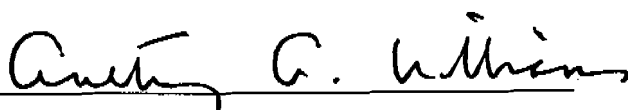
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
January 26, 2006

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AN ACT
D.C. ACT 16-261IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 26, 2006*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Spring
Supp.West Group
Publisher

To amend, on an emergency basis, due to Congressional review, the District of Columbia Public Assistance Act of 1982 to provide for confidentiality of information for individuals applying for or receiving public benefits through the Department of Human Services, Income Maintenance Administration, and to authorize the Mayor to issue rules pertaining to the release and disclosure of such records.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Public Assistance Confidentiality of Information Congressional Review Emergency Amendment Act of 2006".

Sec. 2. Section 904 of the District of Columbia Public Assistance Act of 1982, effective April 20, 1999 (D.C. Law 12-241; D.C. Official Code § 4-209.04), is amended to read as follows:

*Note,
§ 4-209.04*

"904. Confidentiality of information.

"(a) For the purposes of this section, the term:

"(1) "Administering" means running public benefits programs in a manner that complies with District of Columbia or federal laws, rules, or regulations.

"(2) "Applicant" means an individual who has submitted an application for services under one or more IMA programs.

"(3) "Disclosure" means the release, transfer, provision of, provision of access to, or distribution of information in any manner by an entity holding the information to a person outside of the entity.

"(4) "Health Insurance Portability and Accountability Act" means the Health Insurance Portability and Accountability Act of 1996, approved August 21, 1996 (Pub. L. 104-191; 110 Stat. 1936), and the regulations issued thereunder, 45 C.F.R. Parts 160 and 164, enacted for the primary purpose of safeguarding the privacy of an individual's protected health information by restricting the use or disclosure of the information to certain limited circumstances, such as treatment by medical providers, payment of medical bills, or health care operations.

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“(5) “IMA” means the Income Maintenance Administration within the Department of Human Services.

“(6) “IMA programs” means public benefit programs, including TANF, POWER, Medical Assistance (including Medicaid), Food Stamps, Interim Disability Assistance, Burial Assistance, Refugee Resettlement Assistance, General Assistance for Children, and programs under titles I, V-A, IV-D, XVI, or XIX of Title 21 of the Social Security Act, approved August 14, 1935 (49 Stat. 757; 42 U.S.C. § 301 *et seq.*).

“(7) “Individual’s representative” means a person authorized in writing to review or copy an applicant’s or recipient’s record, or submit or receive information on behalf of the applicant or recipient by:

“(A) The applicant or recipient;

“(B) A court of competent jurisdiction; or

“(C) A person otherwise authorized by law to make decisions on behalf of the applicant or recipient, including decisions related to health care, such as the custodial parent, legal guardian, or personal representative, as set forth at 45 C.F.R. § 164.502(g).

“(8) “Personal notes” means:

“(A) Mental health information regarding an applicant or recipient disclosed to a mental health professional in confidence by other persons on condition that such information not be disclosed to the applicant or recipient, or to other persons; and

“(B) A mental health professional’s speculations about the applicant or recipient.

“(9) “Personal representative” means a person who:

“(A) Under applicable law, has the authority to act on behalf of an individual who is an adult or an emancipated minor in making decisions related to health care;

“(B) Is an executor, administrator, or other person who, under applicable law, has authority to act on behalf of a deceased individual or the individual’s estate; or

“(C) Is a parent, guardian, or other person acting in loco parentis who may have the authority to act on behalf of an unemancipated minor, as more fully set forth at 45 C.F.R. § 164.502(g).

“(10) “Protected health information” means any individually identifiable information, whether oral or recorded, in any form or medium, that is created or received and relates to the past, present, or future physical or mental health condition of an applicant or recipient, or to the payment for health care for an applicant or recipient.

“(11) “Recipient” means an applicant who meets the eligibility requirements and has been determined eligible to receive services through an IMA program.

“(12) “Record” or “applicant’s or recipient’s record” means any hard copy or electronic item, collection, or grouping of information, which includes protected health information, relating to an applicant or recipient that is maintained, collected, used, or disseminated for the purpose of administering an IMA program. The term “record” or

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"applicant's or recipient's record" includes information that the government of the District of Columbia collects and stores by the operation or administration of computerized public benefits eligibility screening tools.

"(b) IMA shall keep records to document information about applicants and recipients relating to IMA programs. The information shall be privileged and confidential and shall only be used or disclosed in accordance with this section.

"(1) The applicant or recipient has a right to privacy and shall be provided with a written notice about IMA's privacy practices and the conditions governing inspection of records. A copy of the notice shall be maintained in the applicant's or recipient's record.

"(2) IMA shall secure the written authorization of the applicant, recipient, or individual's representative pursuant to the requirements of 45 C.F.R. § 164.508 before requesting or disclosing information about the applicant or recipient to or from other agencies or individuals. A copy of the authorization shall be maintained in the applicant's or recipient's record.

"(3) An applicant or recipient shall submit a verbal or written request and an individual's representative shall submit a written request to access information in an applicant's or recipient's record, including protected health information. Except for psychotherapy and personal notes, and information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding, the IMA shall make all information in the applicant's or recipient's record available to the applicant, recipient, or the individual's representative.

"(A) IMA shall permit inspection or provide a copy of the information no later than 30 days after receiving the written request if the information is available on-site unless the applicant or recipient is under investigation pursuant to any provisions of subsection (b) of this section. If the written request is for information that is not maintained by or accessible to IMA on-site and IMA has knowledge of the information and its location, IMA must permit inspection or provide a copy of the information no later than 60 days after receiving the written request.

"(B) If IMA authorizes disclosure to a third party, other than the applicant or recipient's individual representative, pursuant to a valid authorization, the disclosure shall be limited to the information specifically identified in a written authorization from the applicant, recipient, or the individual's representative.

"(4) An applicant, recipient, or individual's representative who believes that information in an applicant's or recipient's record is inaccurate or misleading may request that IMA amend the information by submitting a written request for amendment setting forth the reason for the change, including documentation, where appropriate. Within 60 days after it receives the request, the IMA shall make a determination on the request and either make amendments to the record or deny the request.

"(A) The IMA may deny a request for amendment if the information

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sought to be amended:

“(i) Was not created by IMA, unless the individual requesting the amendment provides a reasonable basis to believe that the originator of the protected health information or the information in the record is no longer available to act on the requested amendment;

“(ii) Is not part of the record;

“(iii) Is not available for inspection as provided in paragraph (3) of this subsection; or

“(iv) Is accurate and complete.

“(B) If the request for amendment is denied, the IMA shall provide the applicant, recipient, or the individual’s representative with a written response setting forth the reason for denying the request for amendment and the procedures on how to request reconsideration of the decision, including a statement that the applicant, recipient, or individual’s representative has a right to submit a written statement disagreeing with the denial of all or part of a requested amendment and the basis of such disagreement.

“(C) If the request for amendment is granted, the IMA shall notify the applicant, recipient, or individual’s representative of the decision and how to obtain authorization concerning persons to be notified of the amendment.

“(D) All documentation generated from a request for amendment shall be included in the record of the applicant or recipient.

“(c) All information and records regarding an applicant or recipient provided to or created by the IMA, its representatives, or its employees, in the course of the administration of IMA programs, shall be privileged and confidential and shall only be disclosed:

“(1) To the applicant, recipient, or individual’s representative, in accordance with subsection (b) of this section;

“(2) To a third party, with a written authorization signed by the applicant, the recipient, or the individual’s representative authorizing disclosure of the specific record, or specific parts of the record; or

“(3) Without consent for one of the following purposes:

“(A) To administer IMA programs;

“(B) To aid in any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of IMA programs;

“(C) To administer any federal or federally-assisted program, which provides assistance, in cash or in-kind, or services directly to individuals on the basis of need;

“(D) To verify a state employment services agency for the purposes of providing information about a public assistance recipient’s eligibility for employer tax credits, except that protected health information shall not be disclosed to such agency;

“(E) For an audit or similar activity, such as review of expenditure reports or financial review, conducted in connection with the administration of any public

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assistance program by any governmental entity which is authorized by law to conduct such audit or activity;

“(F) To administer the unemployment compensation program for the District of Columbia or any other state unemployment compensation program, except that protected health information shall not be disclosed to such agency or program;

“(G) To report to the Metropolitan Police Department information on known or suspected instances of physical or mental injury, sexual abuse, or exploitation, or to report to the appropriate authority charged with investigating such allegations information on known or suspected instances of negligent treatment or maltreatment of a child or vulnerable adult receiving aid under circumstances which indicate that the child's or vulnerable adult's health or welfare is threatened; or

“(H) To comply with a court order (a subpoena being insufficient) issued by a court of competent jurisdiction to compel disclosure of an applicant's or recipient's record or testimony of any Mayor's representative concerning an applicant or recipient for purposes directly related to the purposes listed in subparagraphs (A) through (G) of this paragraph.

“(d)(1) The administrator of the IMA shall approve each request for disclosure of a record made pursuant to subsection (c)(3) of this section before the IMA releases the record, or any portion thereof. For each disclosure of a record pursuant to subsection (c)(3) of this section, the IMA shall:

“(A) Record the disclosure in the applicant's or recipient's record;

“(B) Disclose only the information minimally necessary to satisfy the purpose of the request; and

“(C) Maintain a central log accounting for disclosures of protected health information.

“(2) An accounting for an approved disclosure shall contain, at minimum, the following:

“(A) The date of the disclosure;

“(B) The name of the person or entity that received the information and, if known, the address of the entity or person;

“(C) A brief description of the information disclosed; and

“(D) A brief statement of the purpose of the disclosure that states the exact basis for disclosure or, in lieu of that statement, a copy of the written request for disclosure.

“(3) Accounting is not required if the information is disclosed:

“(A) To administer IMA programs, or to carry out treatment, payment, and health care operations;

“(B) To persons involved in the applicant's or recipient's care;

“(C) For national security or intelligence purposes;

“(D) To correctional institutions or law enforcement officials; or

“(E) Prior to April 14, 2003.

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“(e) The IMA shall review a requestor’s credentials to verify the requestor’s identity and authority before disclosing records to an applicant, recipient, or individual’s representative, or to a person requesting disclosure of records pursuant to subsection (c)(3) of this section.

“(f) The IMA shall implement appropriate procedures to ensure the security of records and to minimize inadvertent disclosures of confidential records, including protected health information.

“(g) The IMA shall retain all information in an applicant’s and recipient’s record for at least 3 years after the case is closed. A request for a disclosure of information under subsection (c)(3) of this section, along with the supporting documentation for each such request that the IMA is required to maintain under subsection (d) of this section, shall be retained by the IMA for at least 6 years, and shall be disclosed to an applicant, recipient, or individual representative upon written request.

“(h) The IMA shall ensure that IMA employees are trained on the provisions of this section and are aware that unauthorized use or disclosure of records may constitute cause for adverse or corrective personnel action.

“(i) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et. seq.*), may issue rules to implement the provisions of this section.”.

Sec. 3. Applicability.

This act shall apply as of January 25, 2006

Sec. 4. Fiscal impact statement.

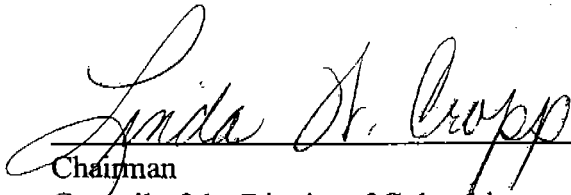
The Council adopts the fiscal impact statement for the Public Assistance Confidentiality of Information Emergency Amendment Act of 2005, effective October 27, 2005 (D.C. Act 16-204), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

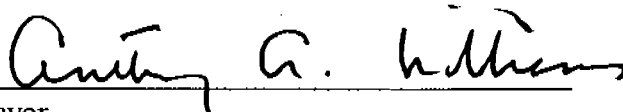
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 26, 2006

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-262IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 26, 2006*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Spring
Supp.West Group
Publisher

To amend, on an emergency basis, due to Congressional review, Chapter 20 of Title 21 of the District of Columbia Official Code to add a definition of "emergency care" to the guardianship law; to amend Chapter 22 of Title 21 of the District of Columbia Official Code to authorize psychologists to certify incapacity to make a health-care decision, to permit court-appointed mental retardation advocates to provide substituted consent for health-care decisions for incapacitated consumers, and to authorize a health-care provider, the District of Columbia, or an interested person to file a petition for the appointment of a limited guardian if there is no individual who can act as a substitute health-care decisionmaker for an incapacitated consumer; and to amend the Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978 to require initial and periodic evaluations of decisionmaking capacity and availability of health-care decisionmaking supports for consumers of services funded by the Mental Retardation and Developmental Disabilities Administration, to repeal a provision providing a process for authorizing emergency medical surgery for a consumer that is inconsistent with federal law, and to require the Administrator of the Mental Retardation and Developmental Disabilities Administration to issue reports on the decisionmaking capacity of and the availability of health-care decisionmaking supports for consumers of services funded by the Mental Retardation and Developmental Disabilities Administration.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Health-Care Decisions for Persons with Mental Retardation and Developmental Disabilities Congressional Review Emergency Amendment Act of 2006".

Sec. 2. Chapter 20 of Title 21 of the District of Columbia Official Code is amended as follows:

(a) Section 21-2011 is amended by adding a new paragraph (5A) to read as follows:
"(5A) "Emergency care" means immediate treatment, including diagnostic treatment, provided in response to a sudden, acute, and unanticipated medical crisis in order to avoid injury, extreme pain, impairment, or death."

*Note,
§ 21-2011*

(b) Section 21-2046(a) is amended by striking the phrase "life threatening emergency" and inserting the phrase "life-threatening situation or a situation involving emergency care" in its place.

*Note,
§ 21-2046*

Sec. 3. Chapter 22 of Title 21 of the District of Columbia Official Code is amended as follows:

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(a) Section 21-2202 is amended by adding a new paragraph (6A) to read as follows:

Note,
§ 21-2202

"(6A) "Qualified psychologist" means a person who is licensed pursuant to § 3-1205.01 and has:

"(A) One year of formal training within a hospital setting; or

"(B) Two years of supervised clinical experience in an organized health care setting, one year of which must be post-doctoral."

(b) Section 21-2204(a) is amended as follows:

Note,
§ 21-2204

(1) Strike the word "physicians" wherever it appears and insert the word "professionals" in its place.

(2) Strike the second sentence and insert the sentence "One of the 2 certifying professionals shall be a physician and one shall be a qualified psychologist or psychiatrist." in its place.

(c) Section 21-2210 is amended as follows:

Note,
§ 21-2210

(1) Subsection (a) is amended to add a new paragraph (1A) to read as follows:

"(1A) A court-appointed mental retardation advocate of the patient, if the ability to grant, refuse, or withdraw consent is within the scope of the advocate's appointment under § 7-1304.13."

(2) A new subsection (h) is added to read as follows:

"(h) If no person listed in subsection (a) of this section is reasonably available, mentally capable, and willing to act, the health-care provider, or the District of Columbia, for those persons committed or admitted to receive habilitation or other services pursuant to Chapter 13 of Title 7 of the District of Columbia Official Code, or any interested person may petition the Superior Court of the District of Columbia for appointment of a limited guardian for health care pursuant to § 21-2044(c)."

Sec. 4. The Mentally Retarded Citizens Constitutional Rights and Dignity Act of 1978, effective March 3, 1979 (D.C. Law 2-137; D.C. Official Code § 7-1301.02 *et seq.*), is amended as follows:

(a) Section 103(6) (D.C. Official Code § 7-1301.03(6)) is amended to read as follows:

Note,
§ 7-1301.03

"(6) "Comprehensive evaluation" means an assessment of a person with mental retardation by persons with special training and experience in the diagnosis and habilitation of persons with mental retardation, which includes a documented sequence of observations and examinations intended to determine the person's strengths, developmental needs, and need for services. The initial comprehensive evaluation shall include, but not be limited to, documentation of:

"(A) A physical examination that includes the person's medical history;

"(B) An educational evaluation, vocational evaluation, or both;

"(C) A psychological evaluation, including an evaluation of cognitive and adaptive functioning levels;

"(D) A social evaluation;

"(E) A dental examination;

"(F) An evaluation of whether the person has the capacity to grant, refuse, or withdraw consent to any ongoing medical treatment; and

"(G) A determination of whether the person:

"(i) Has executed or could execute a durable power of attorney for health care in accordance with D.C. Official Code § 21-2204;

"(ii) Has been offered an opportunity to execute a durable power of attorney for health care pursuant to D.C. Official Code § 21-2204 and declined; or

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"(iii) Has an individual reasonably available, mentally capable, and willing to act as a substitute health-care decisionmaker pursuant to D.C. Official Code § 21-2210."

(b) Section 413 (D.C. Official Code § 7-1304.13) is amended by adding a new subsection (n) to read as follows:

Note,
§ 7-1304.13

"(n) If so authorized by the Court, the mental retardation advocate shall be permitted to grant, refuse, or withdraw consent on behalf of his or her client with respect to the provision of any health-care service, treatment, or procedure, consistent with the provisions of Chapter 22 of Title 21 of the District of Columbia Official Code."

(c) Section 504(a) (D.C. Official Code § 7-1305.04(a)) is amended to read as follows:

Note,
§ 7-1305.04

"(a)(1) Prior to each customer's commitment under this act, the customer shall receive, pursuant to section 403, a comprehensive evaluation or screening and an individual habilitation plan. Within 30 days of a customer's admission pursuant to section 302, the customer shall have a comprehensive evaluation or screening and an individual habilitation plan.

"(2) All individual habilitation plans shall include information on whether the person has the capacity to grant, refuse, or withdraw consent to any ongoing medical treatment and shall identify whether the person:

"(A) Has executed or could execute a durable power of attorney for health care in accordance with D.C. Official Code § 21-2204;

"(B) Has been offered an opportunity to execute a durable power of attorney for health care pursuant to D.C. Official Code § 21-2204 and declined; or

"(C) Has an individual reasonably available, mentally capable, and willing to act as a substitute health-care decisionmaker pursuant to D.C. Official Code § 21-2210.

"(3) Annual reevaluations or screenings of the customer shall be provided as determined by the customer's interdisciplinary team. Annual reevaluations and screenings shall include a review and update to the individual habilitation plan information on whether the person has the capacity to grant, refuse, or withdraw consent to any ongoing medical treatment and whether the person:

"(A) Has executed or could execute a durable power of attorney for health care in accordance with D.C. Official Code § 21-2204;

"(B) Has been offered an opportunity to execute a durable power of attorney for health care pursuant to D.C. Official Code § 21-2204 and declined; or

"(C) Has an individual reasonably available, mentally capable, and willing to act as a substitute health-care decisionmaker pursuant to D.C. Official Code § 21-2210.

"(4) Nothing in this subsection shall be read to require any person to execute a durable power of attorney for health care."

(d) Section 507 (D.C. Official Code § 7-1305.07) is repealed.

Note Repeal,
§ 7-1305.07

(e) A new section 507a (to be codified at D.C. Official Code § 7-1305.07a) is added to read as follows:

"Sec. 507a. (a)(1) It shall be the policy of the District government to ensure that all persons who become incapable of making or communicating health-care decisions for themselves have available health-care decisionmakers.

"(2) The Administrator of the Mental Retardation and Developmental Disabilities Administration shall develop, by no later than December 1, 2005, a written plan to encourage, as much as possible, the availability of health-care decisionmakers pursuant to D.C. Official Code § 21-2210 for all incapacitated and potentially incapacitated persons under the

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jurisdiction of the MRDDA.

"(b) Commencing with the month of November 2005, the Administrator of the MRDDA shall produce a monthly report, to be completed by the 15th day of the following month, which shall include:

"(1) Aggregate statistics on the number of petitions filed in that month by the District of Columbia for appointment of a plenary, temporary, or limited guardian where the basis for the petition was the need for a health-care decisionmaker;

"(2) For each petition reported pursuant to paragraph (1) of this subsection:

"(A) A description of the nature of the health-care need which formed the basis for the petition for guardianship;

"(B) The time elapsed between MRDDA's identification of the need for a health-care decision and the date on which the petition for guardianship was filed;

"(C) The time elapsed between the date on which the guardianship petition was filed and a decision was made by the court; and

"(D) Whether a guardian was appointed;

"(3) A description of all activities carried out by the MRDDA during the month to promote the availability of health-care decisionmakers for individuals currently or potentially in need of health-care decisionmakers pursuant to D.C. Official Code § 21-2210; and

"(4) Information indicating the number of substitute decisions made during the month for *Evans* class members and the number of substitute decisions made during the month for non-*Evans* class members.

"(c) By April 15, 2006, the Administrator of the MRDDA shall produce a report assessing the current and potential health-care decisionmaking needs of all consumers of services funded by the MRDDA. In developing the methodology for the report, the Administrator of the MRDDA may consult with community stakeholders, including advocates, legal experts, service providers, and people with disabilities. The report shall, at a minimum:

"(1) Include aggregate statistics summarizing the numbers of consumers of the MRDDA who:

"(A) Have a plenary guardian;

"(B) Have a limited guardian authorized to make health-care decisions;

"(C) Have a temporary guardian authorized to make health-care decisions;

"(D) Have executed a durable power of attorney for health care in accordance with D.C. Official Code § 21-2204;

"(E) Have been offered an opportunity to execute a durable power of attorney for health care pursuant to D.C. Official Code § 21-2204 and declined;

"(F) Have individuals identified as reasonably available, mentally capable, and willing to act as substitute health-care decisionmakers pursuant to D.C. Official Code § 21-2210; and

"(G) Lack any available health-care decisionmaker in the categories described in subparagraphs (A) through (F) of this paragraph;

"(2) Include aggregate statistics describing the numbers of consumers taking psychotropic medications, and an assessment of the degree to which health-care decisionmaking support may be required for new prescriptions, changes in prescription dose, or prescription termination;

"(3) Analyze all aggregate statistics by *Evans v. Williams* (CA No. 76-293) class membership and non-membership, and by commitment and admission status; and

"(4) Describe any impediments to the use of limited and temporary guardianship

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and durable power of attorney for health care.

"(d)(1) The Administrator of the MRDDA shall submit the plan described in subsection (a) of this section, the monthly report described in subsection (b) of this section, and the final report described in subsection (c) of this section to:

"(A) The Council's Committee on Human Services;

"(B) The Mayor;

"(C) The designated state protection and advocacy agency for the District of Columbia established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, approved October 30, 2000 (114 Stat. 1677; 42 U.S.C. § 15001 *et seq.*);

"(D) The Special Masters and Independent Court Monitor in *Evans v. Williams* (CA No. 76-293); and

"(E) The Quality Trust for Individuals with Disabilities.

"(2) The Administrator of the MRDDA shall make copies of plans and reports referenced in paragraph (1) of this subsection available to members of the public upon request.

"(e) Nothing in this section shall be read to require any person to execute a durable power of attorney for health care."

Sec. 5. Applicability.

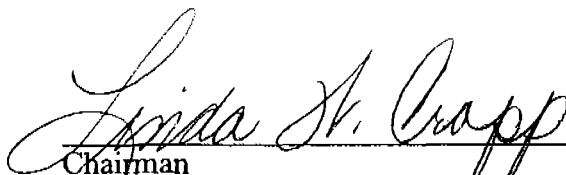
This act shall apply as of January 26, 2006.

Sec. 6. Fiscal impact statement.

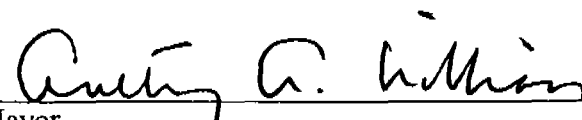
The Council adopts the fiscal impact statement on the Health-Care Decisions for Persons with Mental Retardation and Developmental Disabilities Emergency Amendment Act of 2005, effective October 28, 2005 (D.C. Act 16-190), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 7. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED

January 26, 2006
Communication District of Columbia Official Code, 2001 Edition

ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-263

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 26, 2006

To approve, on an emergency basis, a Purchase Agreement and Memorandum of Understanding to secure the January 2006 issuance of the previously-approved DC USA Parking Garage Project Revenue Bonds.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "DC USA Parking Garage Bond Security Documents Approval Emergency Act of 2006".

Sec. 2. (a) Pursuant to section 451(b)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code §1-204.51(b)(1)), the Council hereby approves (1) the Purchase Agreement by and between the National Capital Revitalization Corporation ("NCRC") and DC USA Operating Company, LLC ("Developer"), and (2) the Memorandum of Understanding by and between NCRC and the Office of the Deputy Mayor for Planning and Economic Development ("DMPED") related to and as security for the issuance of \$46.9 million of DC USA Parking Garage Revenue Bonds to be issued by NCRC in January 2006.

(b) The Purchase Agreement between NCRC and Developer obligates \$39.35 million of bond proceeds to fund construction and acquisition of the DC USA parking garage. The National Capital Revitalization Corporation DC USA Project Revenue Bonds Approval Resolution of 2005, effective November 1, 2005 (Res. 16-349; 52 DCR ____) ("Bond Approval Resolution"), approved the bond issue to fund the acquisition of the DC USA parking garage.

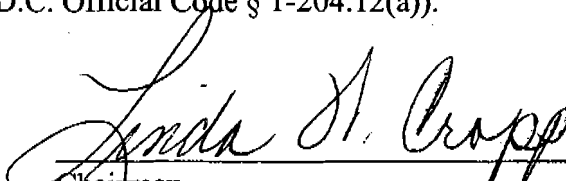
(c) The Memorandum of Understanding between NCRC and DMPED allocates \$2 million of bond proceeds to fund the Columbia Heights Small Business Assistance Program. The Tax Increment Revenue Bonds DC-USA Project Emergency Approval Resolution of 2004, effective July 13, 2004 (Res. 16-653; 51 DCR 8080), established the Small Business Assistance Program and the allocation of TIF revenue to fund the Program. The Bond Approval Resolution approved the bond issue to fund the Program.

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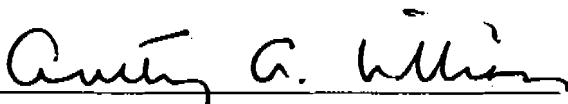
Sec. 3. The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. The Secretary to the Council shall transmit a copy of this act, upon its adoption, to the President and Chief Executive Officer of NCRC.

Sec. 5. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 26, 2006

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AN ACT
D.C. ACT 16-264IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 26, 2006*Codification
District of
Columbia
Official Code*

2001 Edition

2006 Spring
Supp.West Group
Publisher

To amend An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia to establish a Library Enhancement Task Force that will assess, support, and implement strategies to fund the enhancement and development of the District of Columbia Public Library system; to prescribe the membership of the Task Force and designate the Chairperson of the Task Force; to establish that Task Force members shall not receive compensation for their service but may be reimbursed for expenses; to provide staff support for the Task Force; to specify the duties of the Task Force; to require the Task Force to complete a strategic plan to raise revenue for the construction and renovation of library facilities within 180 days of the effective date of this act; to establish a Library Development Trust Fund to serve as the repository for revenue generated from mixed-use projects involving library facilities, the sale or lease of air rights above library buildings, the sale or lease of facilities and real property used by or under control of the District of Columbia Public Library, and the use of other assets of the District of Columbia Public Library; to provide that money deposited in to the Trust Fund shall support public-private partnerships to develop and enhance library facilities; and to require the Mayor to initiate a competitive process for the performance of work to develop and enhance library facilities following the approval of a strategic plan by the Board of Trustees.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Library Enhancement, Assessment, and Development Amendment Act of 2006".

Sec. 2. An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896 (29 Stat. 244; D.C. Official Code § 39-101 *et seq.*), is amended by adding new sections 9-13 to read as follows:

"Sec. 9. Establishment of the Library Enhancement Task Force.

"There is established a Library Enhancement Task Force ("Task Force") to serve as a collaborative body to assess, support, and implement strategies to fund the enhancement and development of the District of Columbia Public Library ("DCPL") system.

"Sec. 10. Membership and organization of the Library Enhancement Task Force.

"(a)(1) The Task Force shall be comprised of the following 11 members:

"(A) The Mayor, or his or her designee;

"(B) The Chairperson of the Committee on Education, Libraries, and

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Recreation of the Council of the District of Columbia, or his or her designee;

“(C) The Chairperson of the Committee on Economic Development of the Council of the District of Columbia, or his or her designee;

“(D) The Deputy Mayor for Planning and Economic Development, or his or her designee;

“(E) The Deputy Mayor for Children, Youth, Families and Elders, or his or her designee;

“(F) The Chief Financial Officer, or his or her designee;

“(G) The President of the Board of Library Trustees; the Chairperson of the Board of Library Trustees’ Facilities Committee; and a third member of the Board of Library Trustees designated by the Board President; and

“(H) Two public members, one of whom shall be appointed by the Mayor and one of whom shall be appointed by the Council by resolution, to serve 3-year terms.

“(2) Vacancies occurring in the Task Force shall be filled in the same manner as the original appointees.

“(b) The President of the Board of Library Trustees shall serve as Chairperson.

“(c) The following 3 persons, or their designees, shall serve as ex-officio, nonvoting members of the Task Force:

“(1) The Director of the District of Columbia Public Library;

“(2) The Superintendent of the District of Columbia Public Schools; and

“(3) The President of the University of the District of Columbia.

“(d) Each member shall serve without compensation, except that members may receive reimbursement for expenses incurred in the service of the Task Force.

“(e) The DCPL shall provide staffing for the Task Force.

“Sec. 11. Duties of the Task Force.

“(a) The Task Force shall:

“(1) Review:

“(A) The District of Columbia Comprehensive Plan;

“(B) The DCPL Capital Construction/Renovation Master Plan for

Branch Libraries;

“(C) The DCPL Building Condition Survey;

“(D) The DCPL Strategic Business Plan 2005-2006;

“(E) Any revisions to the plans set forth in subparagraphs (A) through (D) of this paragraph; and

“(F) The recommendations of the Mayor’s Blue Ribbon Task Force on the Future of the District of Columbia Public Library System;

“(2) Identify methods to integrate the facility and programming needs of the DCPL, and other educational, recreational, and community needs into the District’s planning and economic development opportunities;

“(3) Assess and recommend methods of using DCPL assets to raise funds to modernize and enhance the DCPL system, including:

“(A) Developing mixed-use projects that incorporate library facilities with revenue-producing ventures;

“(B) Selling or leasing air rights above library buildings; and

“(C) Selling or leasing facilities or real property used by or under the control of the DCPL;

“(4) Within 180 days of the effective date of the Library Enhancement,

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Assessment, and Development Amendment Act of 2006, passed on 2nd reading on January 4, 2006 (Enrolled version of Bill 16-49):

“(A) Develop a strategic plan to use the revenue raised to fund the construction and renovation of library facilities and submit it to the Board of Library Trustees for approval and to the Mayor and Council for informational purposes; and

“(B) Develop and submit to the Mayor and Council specific recommendations on actions the Mayor and Council may take to implement the strategic plan; and

“(5) Following approval by the Board of Library Trustees of the strategic plan developed and submitted to the Board of Library Trustees, the Mayor, and the Council pursuant to paragraph (4) of this subsection, support the implementation of the plan.

“(b) The Task Force shall provide opportunity for public input into the development of the strategic plan after providing notice of the opportunity to the public, including posting information on the DCPL Internet site.

“Sec. 12. Establishment of the Library Development Trust Fund.

“(a) There is established within the General Fund of the District of Columbia a segregated, nonlapsing trust fund designated as the Library Development Trust Fund (“Trust Fund”) into which shall be deposited any revenue generated from:

“(1) The development of mixed-use projects involving library facilities;

“(2) The sale or lease of air rights above library facilities;

“(3) The sale or lease of library facilities or of real property used by or under the control of the DCPL;

“(4) Any project developed pursuant to this act;

“(5) Any grants, gifts, or subsidies from public or private sources meant to assist in effecting the purpose of this act; and

“(6) Any return on investment of the assets of the Trust Fund.

“(b) Monies deposited into the Trust Fund shall be used to solicit proposals for public-private partnerships and to finance public-private partnerships pursuant to this act, such as the:

“(1) Purchase of a library site and improvement;

“(2) Construction of a library facility;

“(3) Complete or partial furnishing of a library facility;

“(4) Repair of a library facility;

“(5) Renovation of a library facility; and

“(6) Costs or expenses associated with an approved plan or project, including architectural, engineering, consulting, demolition, and legal costs.

“(c) Pursuant to section 6, the Mayor shall submit to the Council, as part of the annual budget, a requested appropriation for expenditures from the Trust Fund, including a description of the specific approved plan or project for which the funds will be used.

“(d) Funds deposited in the Trust Fund shall not revert to the fund balance of the General Fund of the District of Columbia at the end of any fiscal year or at any other time, but shall be continually available for the uses and purposes set forth in this section, subject to authorization by Congress.

“Sec. 13. Competitive process for performance of work.

“Within 60 days of approval of a strategic plan by the Board of Library Trustees pursuant to section 11, the Mayor shall initiate a competitive process for the performance of the work described in the plan. The Mayor shall issue one or more solicitations for competitive sealed bids or competitive sealed proposals for vendors who shall complete the project or

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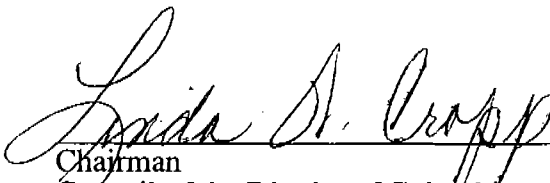
projects for a guaranteed price by assembling the necessary team of designers, architects, developers, and other vendors, and posting a performance bond, or obtaining other insurance, to insure that design and time requirements shall be met for the guaranteed price. The Mayor shall consult closely with the Board of Library Trustees in preparing the solicitation or solicitations, and shall include a statement of work or specifications approved by the Board of Library Trustees.”.

Sec. 3. Fiscal impact statement.


The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 26, 2006